

REMARKS

The July 12, 2010 Official Action has been carefully considered. In view of the amendment presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set in the July 12, 2010 Official Action. The initial due date for response, therefore, was October 12, 2010. A petition for a two (2) month extension of the response period is presented with this amendment and request for reconsideration, which is being filed within the two (2) month extension period.

In the July 12, 2010 Official Action, the specification is objected to on the ground that it lacks an Abstract as required by 37 CFR §1.72(b). An Abstract on a separate sheet is required.

Claims 28 and 29 stand rejected for allegedly failing to comply with the enablement requirement of 35 USC §112, first paragraph. The examiner acknowledges that the specification is enabling for treating ovarian cancer, but contends that the scope of enablement provided to anyone skilled in the art by the specification is not commensurate with the scope of protection sought by the claims.

Claims 1-5, 12-16, 18-25, 28, 32-38 and 42 have been rejected under 35 USC §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the recitation of "aromatic substituents" in claim 1 is considered vague and indefinite. Claim 28 is deemed to lack clarity with respect to the conditions being treated. Claim 36 is included in this rejection apparently due to the lack of antecedent basis for the references to Formulas Ai or Aii and the phenanthridinium compounds.

Claims 1-6, 12-16, 18-25, 28, 29, 32-38 and 42 are further objected to for encompassing non-elected subject matter.

The foregoing objection and rejections constitute all of the grounds set forth in the July 12 Official Action for refusing the present application.

The indication at pages 5-6 of the July 12 Official Action that claims of this application which are directed to elected subject matter are allowable over the prior art is hereby acknowledged.

In accordance with the present amendment, the structural formula from claim 3 has been substituted for the structural formula in claim 1 and consequential amendments have been made deleting from claim 1 recitations that are inapplicable to the substituted structural formula. In addition, the expression "aromatic substituent or substituents" has been deleted and replaced by "R₁₀, R₁₁, R₁₂, R₁₃, R₁₄, R₁₅", which are the substituents on the aromatic rings of the substituted structural formula. Consequential amendments have also been made in claims 14-16, 18, 19, 21-23 and 36.

Claim 24 has been deleted, and the several groups of multimers referred to therein are now set forth in new claims 43-45.

Claim 25 has been amended to also call for a pharmaceutically acceptable carrier. Support for this amendment is provided at pages 56-57 of the present specification.

Claim 28 has been amended to characterize the claimed method as a method for treatment of ovarian cancer. As mentioned above, the specification has been found to be enabled with respect to the method now claimed in claim 28.

Claim 36 has been amended by deleting the structural formula Ai' and other terminology that constitutes non-elected subject matter.

Claim 38 has been amended by deleting the specific aromatic amines referred to therein. The deleted amines are set forth in new claim 46, which depends from claim 38.

Withdrawn claims 7-11 and 39-41 have also been cancelled by this amendment together with claims 2, 3, 13, 24, 29 and 35.

The cancellation of claims 2, 3, 13, 24, 29 and 35 by this amendment should not be construed as indicative of applicants' concurrence with or acquiescence in the rejections thereof set forth in the July 12 Official Action, or otherwise as an abandonment of applicant's efforts to secure patent protection on the subject matter recited therein. On the contrary, these claims are cancelled without prejudice to applicants' statutory right to file one or more continuing applications directed to the subject matter of the cancelled claims. The same is true of the matter cancelled from claim 1.

Also in accordance with this amendment, an Abstract of the Disclosure (Abstract) on a separate sheet has been inserted into the specification. The Abstract submitted herewith is believed to satisfy the requirements of 37 CFR §1.72(b).

No new matter has been introduced into this application by the reason of the present amendment, entry of which is hereby respectfully requested.

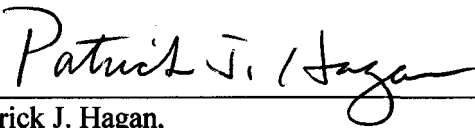
The present amendment is believed to overcome the objection and rejections set forth in the July 12 Official Action.

Regarding the specification objections, the Abstract submitted herewith is believed to comply with 37 CFR §1.72(b). As for the above-noted rejections, claim 28 is commensurate in scope with the enablement provided by the present specification, as acknowledged by the examiner, and any indefiniteness that may have been engendered by the original wording of claims 1-5, 12-16, 18-25, 28, 32-38 and 42 has now been eliminated. Accordingly, the objection and rejections set forth in the July 12 Official Action should be withdrawn upon reconsideration.

In view of the present amendment and the foregoing remarks, the issuance of a Notice of Allowance is in order, and such action is earnestly solicited.

Respectfully submitted,

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